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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/749,597	12/28/2000	Ravi Ganesan	23952-0126	4821
72386	7590	10/18/2007		
SUTHERLAND II SUTHERLAND, ASBILL & BRENNAN, LLC 999 PEACHTREE STREET ATLANTA, GA 30309			EXAMINER HAMILTON, LALITA M	
			ART UNIT	PAPER NUMBER
			3691	
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			10/18/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/749,597

Applicant(s)

GANESAN ET AL.

Examiner

Lalita M. Hamilton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-9,11-17 and 19-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2,4-9, 11-17 and 19-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

On April 3, 2007, an Office Action was sent to the Applicant rejecting claims 1-2, 4-9, 11-17, and 19-28. On August 3, 2007, the Applicant responded by amending claims 1, 8, and 16.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2, 4-9, 11-17, 19-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Billings (2002/0087344).

Billings discloses a method and corresponding system and article for manufacture for electronically enrolling in electronic funds transfer comprising receiving, by a payment service provider during an enrollment session over a network, information identifying a network user, information identifying a payment account associated with the network user, and a payment request to execute a payment on behalf of the network user, the network user being not having previously enrolled with unknown to the payment service provider, verifying, by the payment service provider, the received information identifying the network user and the received information identifying the payment account during the enrollment session, receiving or generating, by the

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payment service provider during the enrollment session, a unique user identifier associated with the unknown network user storing, by the payment service provider, the received information identifying the network user and the received information identifying the payment account in association with the received or generated unique user identifier, and if the received information identifying the network user and the received information identifying the payment account are verified, directing, by the payment service provider, a debit from the identified payment account associated with the network user to execute the payment during the enrollment session without the payment service provider receiving the unique user identifier from the network (p.5, 69 to p.6, 76 and p.9, 113 to p.10, 127); the unique user identifier is generated by the payment service provider, transmitting, by the payment service provider during the enrollment session, the generated unique user identifier if the received information is verified, and transmitting, by the payment service provider during the enrollment session, a notice of one of (1) verification of the received information and acceptance of the payment request for execution, and (2) non-verification of the received information and non-acceptance of the payment request for execution (p.5, 69 to p.6, 76 and p.9, 113 to p.10, 127); the generated unique user identifier is transmitted with the notice of verification of the received information and acceptance of the payment request for execution (p.5, 69 to p.6, 76 and p.9, 113 to p.10, 127); the generated unique user identifier is transmitted at one of (1) a time prior to directing the debit, and (2) a time subsequent to directing the debit (p.5, 69 to p.6, 76 and p.9, 113 to p.10, 127); the information identifying the network user, the information identifying the payment

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account, and the payment request are received from one of (t) the network user, and (2) a sponsor which maintains a Web site with which the network user is associated, and the notice is transmitted to at least one of (1) the network user, and (2) the sponsor (p.5, 69 to p.6, 76 and p.9, 113 to p.10, 127); the unique user identifier is an account number used to identify the network user to the payment service provider (p.5, 69 to p.6, 76 and p.9, 113 to p.10, 127); information identifying a payment account associated with the network user, and a payment request to execute a payment on behalf of the network user and a second network station associated with a payment service provider and configured to (t) receive the transmitted information identifying the network user, the transmitted information identifying the payment account, and the transmitted payment request, the network user being not having previously enrolled with the payment service provider, (2) verify the received information identifying the network user and the received information identifying the payment account during the enrollment session, (3) receive or generate during the communication session a unique user identifier associated with the network user, (4) store the received information identifying the network user and the received information identifying the payment account in association with the received or the generated unique user identifier, and (5) if the received information identifying the network user and the received information identifying the payment account are verified, direct a debit from the payment account associated with the network user to execute the payment during the enrollment session without receiving the unique identifier from the network user (p.5, 69 to p.6, 76 and p.9, 113 to p.10, 127); the unique user identifier is generated by the second network station,

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and the second network station is further configured to transmit to the first network station during the communication session, the generated unique user identifier if the received information is verified and transmit to the first network station during the communication session, a notice of one of (i) verification of the received information and acceptance of the payment request for execution, and (2) non-verification of the received information and non-acceptance of the payment request for execution (p.5, 69 to p.6, 76 and p.9, 113 to p.10, 127); generated unique identifier is transmitted with the notice of verification of the received information and acceptance of the payment request for execution (p.5, 69 to p.6, 76 and p.9, 113 to p.10, 127); the generated unique user identifier is transmitted at one of (1) a time prior to directing the debit, and (2) a time subsequent to directing the debit (p.5, 69 to p.6, 76 and p.9, 113 to p.10, 127); the first network station is associated with one of (1) the network user, and (2) a sponsor which maintains a Web site with which the network user is associated (p.5, 69 to p.6, 76 and p.9, 113 to p.10, 127); a third network station, wherein the first network station is associated with a sponsor which maintains a Web site with which the network user is associated, wherein the third network station is associated with the network user, and wherein the second network station is further configured to transmit the notice to the third network station (p.5, 69 to p.6, 76 and p.9, 113 to p.10, 127); the unique identifier is an account number used to identify the network user to the payment service provider (p.5, 69 to p.6, 76 and p.9, 113 to p.10, 127); verifying the received information identifying the payment account includes verifying that the account can be electronically debited, and wherein directing the debit from the identified payment account associated

with the network user to execute the payment during the enrollment session is dependent at least in part on verifying that the account can be electronically debited (p.5, 69 to p.6, 76 and p.9, 113 to p.10, 127); prior to directing a debit from the identified payment account associated with the network user, evaluating at least one risk factor relating to the network user to determine acceptable level of risk in accepting payment from the network user and wherein directing the debit from the identified payment account associated with the network user to execute the payment during the enrollment session is dependent at least in part on evaluating the at least one risk factor relating to the network user (p.5, 69 to p.6, 76 and p.9, 113 to p.10, 127); and the payment request to execute a payment on behalf of the network user is received prior to the information identifying the network user and the information identifying a payment account associated with the network user (p.5, 69 to p.6, 76 and p.9, 113 to p.10, 127).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Response to Arguments

Applicant's arguments with respect to 1-2, 4-9, 11-17, 19-28 claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lalita M. Hamilton whose telephone number is (571) 272-6743. The examiner can normally be reached on Tuesday-Thursday (6:30-2:30).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kalinowski Alexander can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



LALITA M. HAMILTON
PRIMARY EXAMINER